

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

WILLIE STOKES <i>Plaintiff</i>	:	CIVIL ACTION
	:	
	:	NO. 22-0338
v.	:	
	:	
CITY OF PHILADELPHIA, <i>et al.</i> <i>Defendants</i>	:	
	:	

ORDER

AND NOW, this 9th day of August 2022, upon consideration of Defendant John DiDonato’s (“Defendant”) *motion to dismiss Plaintiff’s complaint*, [ECF 9], Plaintiff Willie Stokes’ (“Stokes”) response in opposition, [ECF 13], Defendant’s reply, [ECF 14], and the allegations in the complaint, [ECF 1], and for the reasons set forth in the accompanying Memorandum Opinion, it is hereby **ORDERED** that:

1. The motion to dismiss is **GRANTED** as to Stokes’ malicious prosecution claims filed pursuant to 42 U.S.C. § 1983 and Pennsylvania state law (Counts I and VII);
2. The motion to dismiss is **GRANTED** as to Stokes’ § 1983 claims for deprivation of liberty without due process and for civil rights conspiracy (Counts II and III), but *only* with respect to those claims related to Defendant’s alleged participation in the fabrication of evidence used in the perjury prosecution against Franklin Lee; and
3. The motion to dismiss is **DENIED** in all other respects.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court